

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE</b> PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	<b>PAGE</b> 1 of 6	<b>POLICY NUMBER</b> 3-1
<b>EFFECTIVE DATE</b> May 18, 1970	<b>REVISED DATE</b> June 9, 2009	
<b>APPROVED BY COUNCIL ACTION</b> 5/18/1970; Revised 6/9/2009, Item 5.2, Res. No. 74950;		

**BACKGROUND**

PRNS and the City of San José have a long tradition of providing a wide range of quality parks, recreational and community services to the city's diverse population. Complementary to this tradition are the enduring partnerships with many individuals and organizations that support PRNS's mission to "build healthy communities through people, parks, and programs." The Volunteer Policy will guide PRNS' efforts in the recruitment, management and recognition of volunteers.

**PURPOSE**

To provide a framework and a process to guide the Department of Parks, Recreation and Neighborhood Services ("PRNS") in the recruitment, management and recognition of volunteers in order to enhance park maintenance, effective delivery of recreation services, and meaningful opportunities for civic engagement. Terms used but not defined in the body of this policy are defined in the Definitions Section at the end of this Policy.

**POLICY**

The Department of Parks, Recreation, and Neighborhood Services of the City of San José ("City") recognizes the value of a community participation and welcomes the invaluable partnership with volunteers in the enhancement of public parks and quality services in community centers for the benefit of the public. The Volunteer Policy ("Volunteer Policy") provides guidelines for staff to work with volunteers in the completion of approved meaningful projects and programs that supplement and enhance PRNS's resources throughout the City's neighborhoods.

This Volunteer Policy covers the work of volunteers on behalf of PRNS at all community, youth, and senior centers, parks, as well as any other locations, programs, and events it sponsors. The Volunteer Policy is founded on an understanding of volunteerism not as monolithic action but rather a continuum of civic engagement. Thus, it provides a procedural structure that adjusts to the different types of volunteer activities and levels of volunteer commitment.

**IMPLEMENTATION GUIDELINES**

**Volunteer Registration**

Each new volunteer must fill out the appropriate volunteer agreement(s) as developed by PRNS and the City Attorney's Office. Further, the volunteer must meet at appropriate fingerprinting and TB test requirements as necessary. A Volunteer Policy Implementation Manual will provide guidelines for selecting which form to fill out and sign as well as volunteer participation in the training workshops.

<b>TITLE</b> PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	<b>PAGE</b> 2 of 6	<b>POLICY NUMBER</b> 3-1
--	-----------------------	-----------------------------

### **Volunteer Qualifications**

1. Age: Volunteers under the age of 15 must be accompanied by a parent or legal guardian during their service for the City. Alternatively, if approved by the parent or legal guardian, an authorized adult representative or supervisor of an educational or vocational organization may supervise volunteers below 15 years of age, provided that the organization has signed an agreement with the City taking responsibility for the volunteers. All volunteers, both adults and persons under the age of 18, must sign and date, or have their parent or legal guardian sign and date, the appropriate volunteer applications and agreements as described in the Implementation Manual depending on the type and scope of the service. Volunteers under the age of 18 will only perform volunteer services during non-school hours, unless the City's volunteer service of a recognized part of the civic educational component of the school attended by the volunteer.
2. Fingerprinting and Background Check
  - a. Consistent with California Public Resources Code Section 5164, the City will fingerprint any volunteer, who may be assigned to a volunteer project in a position having supervisory or disciplinary authority over any minor, to screen for any and all criminal convictions as spelled out in above referenced section before s/he can begin delivering the services.
  - b. Furthermore, PRNS reserves the right to conduct reference checks in order to improve safe and appropriate assignment of volunteers.
  - c. PRNS will follow appropriate City policy for record and file keeping guidelines to ensure the privacy of volunteers' sensitive information including but not limited to background checks, medical records, or other.
  - d. PRNS will cover the costs of fingerprinting and background checks of volunteers.
3. Requirement for TB Testing
  - a. City Council extends the State requirement for TB testing to volunteers. TB testing requirement will be conducted consistent with the California Public Resources Code **5163**, which states the following: (a) No person shall initially be employed in connection with a park, playground, recreational center, or beach used for recreational purposes by a city or county in a position requiring contact with children, or as a food concessionaire or other licensed concessionaire in that area, unless the person produces or has on file with the city or county a certificate showing that within the last two years the person has been examined and has been found to be free of communicable tuberculosis.
  - b. For persons with a positive TB skin test reading, a physician's medical clearance must be obtained prior to services being provided as specified above. PRNS shall keep on file each "Certificate" of clearance for the persons described above. "Certificate" means a document signed by a licensed examining physician and surgeon or a notice from a public health agency or unit of the tuberculosis association which indicates freedom from active tuberculosis.

### **Volunteer Assignment**

1. Volunteer positions may include assignments or projects that are:
  - a. Short-term or over multiple days;
  - b. To be completed by an individual, or

<b>TITLE</b> PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	<b>PAGE</b> 3 of 6	<b>POLICY NUMBER</b> 3-1
--	-----------------------	-----------------------------

- c. Shared among group members.
2. Every assignment or activity for which volunteers are utilized must have a written volunteer position description, which is to provide both staff and volunteers with a clear explanation of the project scope, start and end date, and follow up needed.
3. No volunteer shall perform any tasks or deliver any services that have not been requested or approved by the appropriate PRNS staff, as designated by the Director of PRNS in the Volunteer Policy Implementation Manual. Some of the factors to consider in approving the scope of volunteer activities or projects include staff's ability to provide quality volunteer orientation, training, and supervision as well as contributions to the operational needs of PRNS.
4. It is the goal of PRNS to assign appropriate and meaningful activities to volunteers while safeguarding the safety and well-being of the public and clients.
5. To the extent possible and necessary, PRNS will assign staff to supervise and/or evaluate the work of volunteers. Volunteer groups may also be supervised by approved adult program liaisons or coordinators who have received appropriate training and met all background requirements.
6. Volunteers shall not perform law enforcement services on behalf of PRNS.
7. Volunteers, who do not adhere to the rules, policies, and regulations of the City of San José or fail to perform their assignments satisfactorily, are subject to release from the program. Further, PRNS may release an existing volunteer from providing volunteer services with or without cause

#### **Use of Tools or Vehicles**

1. In general, subject to approval of City staff, volunteers may use office equipment, recreation equipment and supplies, unpowered hand tools provided by staff and, with proper training and permission, some power equipment in the completion of the designated project or service. PRNS is to create a Policy on Volunteer Use of Tools and Equipment, along with a "List of Approved Hand Tools and Power Equipment for Volunteer Use," in coordination with the City Attorney's Office and the Risk Management Office. The appropriate certifications and conditions for use of these tools shall be identified in the administrative Implementation Manual for volunteers and PRNS staff. Staff is to keep a centralized database of volunteers who are trained and certified to use power equipment requiring additional training. No volunteer under the age of 18 shall be permitted to use power equipment requiring additional training.
2. From time to time, PRNS may determine that it is beneficial for volunteers to use their own tools or equipment to complete a project. While PRNS staff may request such assistance, volunteers will voluntarily assume full responsibility for use of their tools or equipment, specifically the potential wear and tear. The volunteer shall sign a release form ensuring that the City is not liable for damage, replacement or maintenance of privately-owned tools and equipment. Only those tools that are identified in the "List of Approved Hand tools and Power Equipment for Volunteer Use" will be permitted.
3. Volunteer use of City vehicles must be petitioned for by PRNS staff overseeing volunteer's activity and shall be approved by appropriate management level staff as designated by PRNS Director in the Volunteer Policy Implementation manual. Volunteers must complete all

<b>TITLE</b> PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	<b>PAGE</b> 4 of 6	<b>POLICY NUMBER</b> 3-1
--	-----------------------	-----------------------------

required procedures and trainings, including providing proof of auto insurance and driving record, and sign the appropriate volunteer applications and volunteer agreement, prior to operating a City vehicle. Staff is to keep centralized database of volunteers approved for City Vehicle use.

4. Based on the scope and time period of a proposed project, the age and skill of the volunteers, and the level of liability assumed by a given group or organization in writing, PRNS staff will determine the appropriate tools or equipment in conformance with established City policy and guidelines on use of tools and equipment.

### **Worker's Compensation Coverage**

All volunteers must have signed and dated the appropriate volunteer application or volunteer service agreement, in order to establish his or her coverage under the City of San José Workers' Compensation Program for injuries that occur while the volunteer is providing the service. All volunteers shall immediately report all injuries or incidents to PRNS staff as outlined in the Volunteer Policy Implementation Manual.

### **Reporting or Handling of Accidents or Incidents**

Volunteers must report any and all incidents or accidents to their immediate City staff supervisor or PRNS volunteer administration staff. An incident report and a Workers' Compensation Benefits Claim are to be completed by City staff for each accident.

### **Volunteer Recognition**

PRNS recognizes the importance of recognition and incentives to attract and reward volunteers' service to the public. In general, volunteers will be recognized based on length of service, special contributions, or initiative shown. Volunteer recognition and appreciation shall be practiced on an ongoing basis as well as through annual events, as feasible.

### **Volunteer Roles and Expectations**

1. As representatives of PRNS and City, all volunteers are expected to follow PRNS's Code of Conduct and the City's Volunteer Code of Ethics as identified in the Volunteer Policy Implementation Manual for volunteers.
2. From time to time, volunteers may witness activity that is unsafe or illegal taking place at public parks, programs or facilities. Volunteers are to report any and all said activity, especially those that threaten persons under the age of 18, the elderly or persons with developmental disabilities, to their supervisors and/or by calling 911 when life threatening.
3. PRNS staff shall treat all volunteers with the same professionalism as provided to colleagues.

### **Other Applicable Policies**

PRNS staff will work with City Manager's Office and other key City staff to implement the Volunteer Policy in a manner that does not conflict with existing Municipal Code provisions or other City policies.

## **DEPARTMENT PROCESSES**

### **Guidelines**

1. PRNS's Volunteer Management Unit shall develop the guidelines, forms, and trainings to

<b>TITLE</b> PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	<b>PAGE</b> 5 of 6	<b>POLICY NUMBER</b> 3-1
--	-----------------------	-----------------------------

implement the Volunteer Policy, to be approved by PRNS Director, in coordination with the City Attorney's Office, the City's Office of Employee Relations, and the Risk Management Office.

2. The Volunteer Management Unit shall coordinate the creation and updating, as necessary, of a "List of Approved Tools and Power Equipment for Volunteer Use" and the development of trainings for volunteers, in coordination with department staff, the City Attorney's Office and the Risk Management Office.

## GENERAL PROVISIONS

1. The Volunteer Policy aims to establish general guidelines to cover a broad range of volunteer activity and volunteers with whom PRNS works. Amendments may be considered and adopted by City Council as needed.
2. Volunteers provide a one-time project or a multiple-day service on behalf of PRNS for the benefit of the public, without receiving direct financial or other material compensation. Volunteers shall not be considered as "employees" of PRNS.
3. Both the volunteer and PRNS may end the volunteer's association with PRNS at any time, for any reason, with or without cause.
4. Volunteers are recruited, placed and managed without regard to race, religion, color, ancestry, gender, sexual orientation, age, creed, national origin, ethnicity, or physical disability. Volunteers must be physically able to perform the activity, which he or she has agreed to accomplish. PRNS staff reserves the right to determine volunteers' ability to perform an identified activity or project.
5. PRNS reserves the right to accept and/or reject an individual or group's offer to volunteer as well as determine the appropriate assignment.
6. The Federal Labor Standards Act prohibits City employees from volunteering to do the same activities that they are normally paid to perform. PRNS staff may, free of coercion, volunteer to carry out activities not significantly related to their paid positions and may do so only outside of their usual paid hours.

## DEFINITION OF TERMS

1. **Volunteer:** Any individual – person under and over 18 years of age – who provides services or park maintenance tasks free of charge or payment on behalf of the Department of Parks, Recreation and Neighborhood Services, with the exception of possible reimbursement of costs if agreed to by the City. The term includes a single individual as well as organized groups.
2. **Volunteer application and Volunteer Service Agreement:** Means department forms that are developed by PRNS with the City Attorney's Office, and which must be completed and signed by each volunteer, depending on nature and scope of service. This form 1) provides information about volunteer's skills and interests; 2) initiates volunteer coverage under the City's Worker's Compensation Liability Program, among other things.
3. **Master Volunteer:** An individual, who has shown at least a 6 month commitment and/or has shown sufficient skills and reliability on City volunteer projects, may be selected to complete

<b>TITLE</b> PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	<b>PAGE</b> 6 of 6	<b>POLICY NUMBER</b> 3-1
--	-----------------------	-----------------------------

training workshops to become a Master Volunteer. This volunteer level may involve use of permitted power tools and equipment or drive a City vehicle, being certified to provide more technical support, and signing the appropriate agreements for Master Volunteers. The individual must be fingerprinted and meet all other program requirements.

4. **Federal Labor Standards Act:** Federal law governing the standards for minimum and overtime wages of public and private employees.